

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Code § 1-1001.05(a)(14) hereby gives notice of proposed rulemaking action to adopt the following amendments to 3 DCMR Chapter 1, “Organization of the Board of Elections and Ethics.”

The proposed amendments represent changes to the Board’s regulations as a result of the “Omnibus Election Reform Amendment Act of 2009,” effective December 30, 2009 (D.C. Act 18-238, 56 D.C. Reg. 9169 (Dec. 4, 2009)). These amendments: (1) clarify the Board’s regular meeting schedule and its ability to reschedule meetings, take administrative action, and call special meetings; (2) establish requirements for posting of meeting minutes and transcripts on the Board’s website; (3) clarify the degree of public notice required for Board meetings; and (4) clarify the matters which the Board may discuss in executive session.

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than 30 days from the date of publication of this notice in the D.C. Register.

Section 102 of Chapter 1 of 3 DCMR, “Organization of the Board of Elections and Ethics,” shall be amended to read as follows:

“102 ORGANIZATION OF THE BOARD OF ELECTIONS AND ETHICS

102.1 Except as provided otherwise by statute, a quorum of the Board shall consist of no less than two (2) members of the Board and shall be necessary to conduct official Board business.

102.2 At the beginning of each calendar year, a preliminary schedule of regular meetings for the year, which the Board has discretion to change, will be published in the D.C. Register.

102.3 The Board may hold a pre-meeting immediately prior to commencing a regular meeting for the sole purpose of administrative action, which does not include the deliberation or taking of official action.

102.4 Regularly scheduled Board meetings shall be held on the first Wednesday of each month, or at least once each month, at a time to be determined by the Board. Additional meetings may be called as needed by the Board.

- 102.5 Notice of all regular and additional meetings of the Board will be published on the Board's web site at least forty-eight (48) hours in advance, except in the case of emergency.
- 102.6 The Board may exercise its discretion and reschedule a regular meeting or call special meetings when necessary with reasonable notice to the public.
- 102.7 The Board encourages comments on any issue under the jurisdiction of the Board at its regular meetings and will provide the public with a reasonable opportunity to appear before the Board and offer such comments.
- 102.8 To ensure the orderly conduct of public Board meetings, public comments may be limited with respect to the number of speakers permitted and the amount of time allotted to each speaker; however, the Board will not discriminate against any speaker on the basis of his or her position on a particular matter.
- 102.9 Any member of the public who intends to comment regarding any agenda item or any issue under the jurisdiction of the Board is encouraged to notify the Board in advance of his or her intent to do so, providing his or her name and the topic on which he or she wishes to speak. Such notification may be provided by e-mail to ogc@dcboee.org, by fax to (202) 741-8774, by telephone at (202) 727-2194, or by mail or in person at the Board's office. No person shall be prevented from speaking at a Board meeting simply because he or she has not provided advance notice of his or her intent to do so.
- 102.10 Members of the public who wish to submit items for consideration by the Board shall do so in writing one (1) week in advance. Failure to submit an item in advance as required may, within the Board's discretion, result in the matter being continued until the next regularly scheduled meeting.
- 102.11 The Chairperson shall conduct the meetings of the Board. In the absence of the Chairperson, the senior member of the Board shall conduct the meeting.
- 102.12 Each meeting shall begin with the adoption of the agenda, followed by the adoption of any outstanding minutes of previously conducted Board meetings.
- 102.13 The Executive Director, General Counsel, and Director of Campaign Finance shall each present a report of the activities of their respective units and such other reports as may be requested by the Board.

- 102.14 Each Board member may properly make any and all motions.
- 102.15 All meetings of the Board, with the exception of meetings for the purpose of taking administrative action and executive sessions (as that term is defined in section 103 of this chapter), shall be open to the public.
- 102.16 The proposed agenda for each Board meeting shall be posted and made available for public inspection in the Board's office and on its website at least twenty-four (24) hours prior to a meeting.
- 102.17 Copies of the agenda shall be available to the public at the meeting.
- 102.18 Nothing in this section shall preclude the Board from amending the agenda at the meeting.
- 102.19 The Board shall keep the minutes of each meeting of the Board, except executive sessions, and shall make the minutes available for public inspection. The Board shall post the minutes on the Board's website prior to the next regular meeting.
- 102.20 The Board shall make transcripts of its public meetings and post unofficial transcripts on its website when they become available.
- 102.21 Meetings shall be held at the time and place the Board or the Chairman designates.
- 102.22 Meetings may be adjourned from time-to-time.
- 102.23 If the time and place of resumption is publicly announced when the adjournment is ordered, no further notice shall be required.
- 102.24 Any individual who is deemed by the Board Chairman to be disruptive to the meeting may be removed therefrom."

Section 103 of Chapter 1 of 3 DCMR, "Executive Sessions," shall be amended to read as follows:

"103 EXECUTIVE SESSIONS

- 103.1 For the purposes of this chapter, the term "executive session" means a Board meeting where the public, employees of the Board, or any other persons may be excluded.
- 103.2 The Board may enter into executive session, and discuss any matter upon which it will not vote, make resolutions or rulings, or take action of any kind, including the following:

- (a) Personnel matters, including the recruitment, appointment, employment, assignment, promotion, discipline, compensation, removal, or resignation of employees, or other individuals over whom it has jurisdiction;
- (b) Employee disciplinary actions;
- (c) General Counsel briefings on litigation strategy;
- (d) Confidential proceedings under the Campaign Finance Act;
- (e) Quasi-judicial deliberations;
- (f) Matters which would result in the disclosure of information specifically exempted from disclosure by statute;
- (g) Matters which would result in the disclosure of trade secrets and commercial or financial information;
- (h) Matters which would involve a clear and unwarranted invasion of privacy, an accusation of a crime, or formal censure; and
- (i) Matters which would result in the disclosure investigatory records compiled for law enforcement purposes.”

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, Board of Elections and Ethics, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

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NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections and Ethics pursuant to the authority set forth in D.C. Code § 1-1001.05(a)(14) hereby gives notice of proposed rulemaking action to adopt the following amendments to 3 DCMR Chapter 5, "Voter Registration."

The proposed amendments represent changes to the Board's regulations as a result of the "Omnibus Election Reform Amendment Act of 2009," effective December 30, 2009 (D.C. Act 18-238, 56 D.C. Reg. 9169 (Dec. 4, 2009)). These amendments: (1) redefine who is a "qualified elector" and who may pre-register to vote in the District of Columbia; (2) establish regulations for voter registration during the thirty days that precede an election and voter registration at the polls; (3) clarify the voter registration by-mail process; (4) clarify the process for voter registration at the Board's Office and at a Voter Registration Agency; and (5) clarify how voters change their registration.

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than 30 days from the date of publication of this notice in the D.C. Register.

Section 500 of Chapter 5 of 3 DCMR, "General Requirements and Qualifications," shall be amended to read as follows:

"500 GENERAL REQUIREMENTS AND QUALIFICATIONS

500.1 No person shall be registered to vote in the District of Columbia unless the following occurs:

- (a) He or she meets the qualifications as a qualified elector as defined by D.C. Code § 1-1001.02(2) (2006 Repl.); and
- (b) He or she executes an application to register to vote by signature or mark (unless prevented by physical disability) on a form approved by the Board or by the Election Assistance Commission attesting that he or she meets the requirements as a qualified elector.

500.2 For purposes of this section, the term "qualified elector" means a person who:

- (a) Is at least seventeen (17) years of age and will be eighteen (18) on or before the next general election;

- (b) Is a citizen of the United States;
- (c) Is not incarcerated for a crime that is a felony in the District;
- (d) Has maintained a residence in the District for at least thirty (30) days preceding the next election and does not claim voting residence or the right to vote in any state or territory; and
- (e) Has not been adjudged legally incompetent to vote by a court of competent jurisdiction.

500.3 An applicant shall provide the following information on the Voter Registration Application:

- (a) Applicant's complete name;
- (b) Applicant's current residence address, which address is the applicant's fixed residence address in the District;
- (c) Applicant's date of birth;
- (d) Applicant's original signature; and
- (f) Applicant's driver's license number in the case of an applicant who has been issued a current and valid driver's license, or the last 4 digits of the applicant's social security number in the case of an applicant who has not. If an applicant for voter registration has not been issued a current and valid drivers license or a social security number, the Board shall assign the applicant's unique identifier which shall serve to identify the applicant for voter registration purposes.

500.4 A person who is otherwise qualified to vote may pre-register on or after his or her sixteenth (16th) birthday and may vote in any election occurring on or after his or her seventeenth (17th) birthday, provided that the person is at least eighteen years of age on or before the next general election.

500.5 Unless otherwise specified in §§ 510 - 514, an application for voter registration, or a notice of change of name, address, or party, is

considered to be received by the Board upon acknowledgement of receipt by an agency date-stamp.

- 500.6 An applicant designating a mailing address on the Voter Registration Application for official communications shall submit a signed statement specifying that the registration address indicated on the Voter Registration Application constitutes the voter's fixed residence in the District.
- 500.7 The information provided to the Board by the voter, as that voter's fixed residence, shall be sufficiently precise to enable the Board to assign to the voter, the appropriate Ward, Precinct, Advisory Neighborhood Commission Single-Member District and School District.
- 500.8 Any applicant who provides on the Voter Registration Application a registration address to which mail cannot be delivered by the U.S. Postal Service shall additionally provide to the Board a designated mailing address, to facilitate the administrative communication required by law.
- 500.9 If an applicant for voter registration fails to properly complete the Voter Registration Application, the Board's registrar shall make reasonable attempts to notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election.
- 500.10 Any applicant utilizing these procedures to fraudulently attempt to register shall be subject to the same criminal sanctions pursuant to D.C. Code § 1-1001.14(a) (2006 Repl.).
- 500.11 The term "registered qualified elector" means a registered voter who resides at the address listed on the Board's records.
- 500.12 The term "qualified registered elector" means a registered voter who resides at the address listed on the Board's records.
- 500.13 The term "duly registered voter" means a registered voter who resides at the address listed on the Board's records.
- 500.14 An elector may vote in the primary election of a political party if he or she:

(a) Is a duly registered voter whose voter registration application indicates an affiliation with the party holding the primary election; and

(b) Has not changed his or her party affiliation during the thirty (30) days preceding a primary election.”

Section 501 of Chapter 5 of 3 DCMR, “Federal Applicants: Domestic,” shall be amended to read as follows:

“501 FEDERAL APPLICANTS: DOMESTIC

501.1 A person who is absent from the District shall qualify as a federal elector, to vote in federal elections conducted in the District of Columbia, under the provisions of the Voting Rights Act of 1965, as set forth in § 501.2.

501.2 For purposes of this section, a "qualified federal elector" is a citizen of the United States residing outside of the District of Columbia who meets the following requirements:

(a) Resided or was domiciled in the District of Columbia who has moved into another state or territory and does not meet the voter registration residency requirements of that state or territory;

(b) Is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;

(c) Has not been adjudged legally incompetent to vote;
and

(d) Is not incarcerated for conviction of a felony in the District.”

Section 502 of Chapter 5 of 3 DCMR, “Federal Applicants: Overseas,” shall be amended to read as follows:

“502 FEDERAL APPLICANTS: UOCAVA

502.1 A person who is outside of the United States shall qualify as an overseas elector under the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, to vote in federal elections conducted in the District of Columbia, as set forth in § 502.2.

502.2 For the purposes of this section, a "qualified overseas elector" is a citizen of the United States residing outside of the United States who meets the following requirements:

- (a) Resided or was domiciled in the District of Columbia immediately prior to departure from the United States and does not claim voting residence or the right to vote in any other state or territory, although he or she may not now qualify as a resident of the District of Columbia;
- (b) Has a valid passport or card of identification and registration issued under the authority of the Secretary of State;
- (c) Is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;
- (d) Has not been adjudged legally incompetent to vote by a court of competent jurisdiction; and
- (e) Is not incarcerated for conviction of a felony in the District.”

Section 503 of Chapter 5 of 3 DCMR, “Federal Applicants: General,” shall be amended to read as follows:

“503 FEDERAL APPLICANTS: FPCA

503.1 A qualified elector who is absent from the District may, pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, obtain from the Board or the federal government a Federal Post Card Application (FPCA) for an absentee ballot.

503.2 An elector qualified to use the FPCA shall be one of the following:

- (a) A member of the Armed Forces while in active service or a spouse or dependent of a member;
- (b) A member of the Merchant Marine or a spouse or dependent of a member; or
- (c) A citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia or a spouse or dependent who resides with or accompanies the citizen.”

Section 504 of Chapter 5 of 3 DCMR, "General Office Hours," shall be amended to read as follows:

"504 GENERAL OFFICE HOURS

- 504.1 A qualified elector may appear in person at the office of the Board to complete and sign a voter registration application between the hours of 8:30 a.m. and 4:45 p.m., Monday through Friday.
- 504.2 The Executive Director, or his or her designee, may expand the weekly hours, and may specify other days on which the Board may accept voter registration applications, based on the level of registration activity."

Section 505 of Chapter 5 of 3 DCMR, "Handicapped and Shut-In Voter Registration," shall be amended to read as follows:

"505 HANDICAPPED VOTER REGISTRATION

- 505.1 An applicant for voter registration who is unable to sign or to make a mark on the registration form, due to a disability, may apply with the assistance of another person; provided, that the registration application is accompanied with a signed affidavit from the person assisting the applicant which states the following:
- (a) That he or she has provided assistance to the applicant;
 - (b) That the applicant is unable to sign the registration form or to make a mark in the space provided for his or her signature;
 - (c) That he or she has read or explained the information contained in the application and the voter declaration to the applicant, if the applicant cannot read the information; and
 - (d) That he or she has read or explained the penalties for providing false information on the registration application, if the applicant cannot read the information.
- 505.2 If the applicant is unable to sign his or her name, the applicant may place his or her mark in the space provided for his or her signature and have that mark witnessed by the person assisting by having the witness also sign the Voter Registration Application."

Section 506 of Chapter 5 of 3 DCMR, "Voter Registration Application Distribution Agencies," shall be amended to read as follows:

- “506 VOTER REGISTRATION APPLICATION DISTRIBUTION AGENCIES
- 506.1 A qualified elector may obtain a Voter Registration Application from a voter registration application distribution agency.
- 506.2 A voter registration application distribution agency is an agency of the District of Columbia government in whose office(s) Voter Registration Applications are made available for general distribution to the public.
- 506.3 Voter registration application distribution agencies shall include the District of Columbia Public Library, the D.C. Fire and Emergency Medical Services Department, the Metropolitan Police Department, and any other executive agency the Mayor shall designate in writing.
- 506.4 Each application distribution agency shall request and the Board shall provide sufficient quantities of Voter Registration Applications for distribution to the public.
- 506.5 The forms shall be placed in each office or substation of the agency in an accessible location in clear view.
- 506.6 Nothing in this subsection shall be deemed to require or permit employees of an application distribution agency to accept completed forms for delivery to the Board or to provide assistance in completing a form.”

Section 507 of Chapter 5 of 3 DCMR, "Registration Through the Department of Motor Vehicles," shall be amended to read as follows:

- “507 REGISTRATION THROUGH THE DEPARTMENT OF MOTOR VEHICLES
- 507.1 The Department of Motor Vehicles (DMV) and the Board of Elections and Ethics shall jointly develop an application form that shall allow an applicant who wishes to register to vote to do so by the use of a single form that contains the necessary information required for the issuance, renewal, or correction of the applicant's driver's permit or non-driver's identification card in any motor vehicle services office.

- 507.2 Completion of the voter registration portion of the application form shall not be a requirement of an individual's application for a driver's permit or non-driver's identification card.
- 507.3 Each application form shall automatically serve as an application to register to vote in the District of Columbia, unless the applicant fails to sign the voter registration portion of the form.
- 507.4 An application for voter registration shall not be accepted by the Board unless it contains the signature of the applicant.
- 507.5 Each application form shall be considered as updating any previous voter registration by an applicant who is already listed as a registered voter, or whose name appears on the inactive list of registered voters, unless a voter indicates that a change of address is not for voter registration purposes.
- 507.6 Upon the receipt of an application form or a notice of change of address, the DMV shall in a consistent manner indicate the date of its receipt on the portion of the form used by the Board for voter registration and registration update purposes.
- 507.7 An application to register to vote or to update information on an existing voter registration shall be considered received by the Board on the date that it was accepted by the DMV.
- 507.8 The DMV shall transmit each request for voter registration or notice of change of a name, address, or party not later than ten (10) days after the date of acceptance by the DMV, except that if a voter registration application is accepted within five (5) days before the last day for registration-by-mail, the application shall be transmitted to the Board not later than five (5) days after the date of its acceptance.
- 507.9 The Director of the DMV shall do the following:
- (a) Ensure that each agency site is supplied with an adequate number of combined Motor Vehicles/Voter Registration Forms; and
 - (b) Submit in writing and answer any questions as the chief administrative officer of the Board of Elections or the Board may prescribe that relate to the administration and enforcement of the National Voter Registration Act of 1993, the National Voter Registration Act Conforming Amendment Act of 1994, and the Help America Vote Act of 2002.

Section 508 of Chapter 5 of 3 DCMR, "Voter Registration Agencies," shall be amended to read as follows:

“508 VOTER REGISTRATION AGENCIES

508.1 Designated voter registration agencies in the District of Columbia are:

- (a) Department of Parks and Recreation;
- (b) Department of Corrections;
- (c) Department of Youth and Rehabilitative Services;
- (d) Office of Aging;
- (e) Department of Motor Vehicles; and
- (f) Department of Human Services.

508.2 The Mayor of the District of Columbia may designate any other executive branch agency of the District of Columbia government as a voter registration agency by filing written notice of the designation with the Board.”

Section 509 of Chapter 5 of 3 DCMR, "Registration Through Voter Registration Agencies," shall be amended to read as follows:

“509 REGISTRATION THROUGH VOTER REGISTRATION AGENCIES

509.1 Each voter registration agency shall do the following:

- (a) Distribute a voter registration application with each application for service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance, unless the applicant, in writing, declines to register to vote;
- (b) Provide to each applicant for service or assistance, recertification or renewal, or change of address, information regarding voter registration, pursuant to D.C. Code § 1- 1001.07(d) (3) (2006 Repl.);
- (c) Provide to each applicant who does not decline to register to vote the same degree of assistance with

regard to the completion of the registration application form as provided by the office with regard to the completion of its own form, unless the applicant refuses such assistance;

- (d) Indicate on each form, in a consistent manner, the date of acceptance by the voter registration agency; and
 - (e) Accept completed forms and forward the forms to the Board of Elections and Ethics not later than ten (10) days after its acceptance by the agency, except that if a voter registration is accepted at a voter registration office within five (5) days before the deadline for voter registration-by-mail in any election, the application shall be transmitted by the agency to the Board not later than five (5) days after the date of acceptance.
- 509.2 If a voter registration agency provides services to a person with a disability at the person's home, the agency shall provide the services required in § 509.1 at the person's home.
- 509.3 The voter registration application provided by each voter registration agency must be approved by the Board.
- 509.4 Each voter registration application form shall be considered as updating any previous voter registration by an applicant who is already listed as a registered voter, or whose name appears on the inactive list of registered voters.
- 509.5 If the applicant declines to register to vote, the declination shall be in duplicate as follows:
 - (a) The original copy of the declination is provided by the agency to the applicant; and
 - (b) The duplicate copy of the declination is retained by the voter registration agency.
- 509.6 The duplicate copy of the declination shall be retained by the voter registration agency for a period of at least twenty-two (22) months.
- 509.7 The Board shall ensure that the identity of the voter registration agency through which any particular individual is registered to vote is not disclosed to the public.

509.8 The chief officer of each voter registration agency shall do the following:

- (a) Ensure that each agency office, site, or substation contains an adequate number of voter registration forms and relate materials necessary to carry out the requirements of D.C. Code § 1-1001.07(d) (2006 Repl.);
- (b) Ensure that each agency office, site, or substation conforms to the requirements of D.C. Code § 1-1001.07(d) (2006 Repl.);
- (c) Ensure that each employee at each agency office, site, or substation is adequately trained to carry out the requirements of D.C. Code § 1-1001.07(d) (2006 Repl.);
- (d) Ensure that voter registration forms are transmitted timely to the Board of Elections, pursuant to D.C. Code § 1-1001.07(d)(8) (2006 Repl.), or if no voter registration forms are received during that time period, provide written notice of such to the Board of Elections;
- (e) Report, at the request of the chief administrative officer of the Board, the number of citizens at each site who decline to register to vote pursuant to D.C. Code § 1-1001.07(d) (2006 Repl.); and
- (f) Submit in writing and answer any questions as the chief administrative officer of the Board of Elections or the Board may prescribe that relate to the administration and enforcement of the National Voter Registration Act of 1993 and of the National Voter Registration Act Conforming Amendment Act of 1994.

Section 510 of Chapter 5 of 3 DCMR, "Voter Registration Processing," shall be amended to read as follows:

"510 VOTER REGISTRATION PROCESSING: BY MAIL

- 510.1 Prior to the thirtieth (30th) day preceding an election, a qualified elector (pursuant to § 500.2), or a person who is qualified to pre-register (pursuant to D.C. Code § 1-1001.07 (a-2)), may register to vote, or

change his or her name, address, or party preference by mailing a completed voter registration application to the Board.

- 510.2 If the registration by-mail deadline falls on a Saturday, Sunday, or holiday, the deadline shall be extended to the next business day.
- 510.3 The Board shall process mailed voter registration applications and registration update notifications received postmarked by not later than the thirtieth (30th) day preceding any election.
- 510.4 Mailed voter registration applications and update notifications considered received during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.
- 510.5 The Board shall process timely completed non-postmarked voter registration applications and registration update notifications mailed and received not later than the twenty-third (23rd) day preceding any election.
- 510.6 An application for voter registration, or a notice of change of name, address, or party, which is delivered by mail and postmarked by the United States Postal Service is considered received by the Board on the date of the postmark.
- 510.7 An application for voter registration, or a notice of change of name, address, or party, delivered without a postmark by common carrier will be considered received by the Board on the parcel's shipping date.
- 510.8 An application for voter registration, or a notice of change of name, address, or party, delivered without a postmark is considered to be received by the Board upon acknowledgement of receipt by an agency date-stamp.
- 510.9 The Board will take steps to reasonably investigate the timely completion of non-postmarked Voter Registration Applications, or notices of change of name, address, or party, by checking tracking numbers, or any other information available.
- 510.10 Individuals who have not previously voted in a federal election in the District and who register to vote by mail shall present, either at the time of registration, at the polling place, or when voting by mail, either a copy of a current and valid government photo identification, a copy of a current utility bill, bank statement, government check,

paycheck, or other government document that shows the name and address of the voter.

510.11 Subsection 510.10 shall not apply to:

- (a) Individuals whose registration application includes either a driver's license number or at least the last 4 digits of his or her social security number and with respect to whom the Board has been able to match the provided information with an existing identification record bearing the same number, name and date of birth as provided in such registration application; and
- (b) Individuals entitled to vote otherwise than in person under Federal law."

Section 511 of Chapter 5 of 3 DCMR, "Processing of New Voter Registrations," shall be amended to read as follows:

"511 VOTER REGISTRATION PROCESSING: IN-PERSON AT BOARD OF ELECTIONS

511.1 Prior to the thirtieth (30th) day preceding an election, a qualified elector (pursuant to § 500.2), or a person who is qualified to pre-register (pursuant to D.C. Code § 1-1001.07 (a-2)), may, at the Board's office:

- (a) Submit a voter registration application; or
- (b) Submit a notice of a change of name, address, or party.

511.2 On or after the thirtieth (30th) day preceding an election, a qualified elector may, at the Board's office:

- (a) Submit a voter registration application; or
- (b) Submit a notice of change of name or address.

511.3 On or after the thirtieth (30th) day preceding a primary election, a qualified elector shall not change his or her party affiliation. Requests for change of party affiliation received during the thirty (30) days that precede a primary election shall be held and processed after the election.

511.5 Individuals who have not previously voted in a federal election in the District and who register to vote by mail shall present, either at the

time of registration, at the polling place, or when voting by mail, either a copy of a current and valid government photo identification, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

511.6 Subsection 511.5 shall not apply to:

- (a) Individuals whose registration application includes either a driver's license number or at least the last 4 digits of his or her social security number and with respect to whom the Board has been able to match the provided information with an existing identification record bearing the same number, name and date of birth as provided in such registration application; and
- (b) Individuals entitled to vote otherwise than in person under Federal law."

Section 512 of Chapter 5 of 3 DCMR, "Changes in Registration: Name," shall be amended to read as follows:

"512 VOTER REGISTRATION PROCESSING: IN-PERSON AT A VOTER REGISTRATION AGENCY (VRA)

- 512.1 Prior to the thirtieth (30th) day preceding an election, a qualified elector or any individual who will be a qualified elector at the time of the next election may register to vote, or change his or her name, address, or party preference by completing a designated form at a voter registration agency (VRA).
- 512.2 If the thirtieth (30th) day preceding an election falls on a Saturday, Sunday, or holiday, the deadline shall be extended to the next business day.
- 512.3 On or after the 30th day preceding an election, a qualified elector may not register to vote, or change his or her name, address, or party preference at a VRA. Voter registration applications and update notifications considered received from a VRA during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.
- 512.4 Voter registration applications and update notifications considered received during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

- 512.5 An application for voter registration, or a notice of a change of name, address, or party, which is filed at a VRA is considered to be received by the Board on the date that it is filed at the voter registration agency.
- 512.6 Individuals who have not previously voted in a federal election in the District and who register to vote by mail shall present, either at the time of registration, at the polling place, or when voting by mail, either a copy of a current and valid government photo identification, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.
- 512.7 Subsection 512.6 shall not apply to:
- (a) Individuals whose registration application includes either a driver's license number or at least the last 4 digits of his or her social security number and with respect to whom the Board has been able to match the provided information with an existing identification record bearing the same number, name and date of birth as provided in such registration application; and
 - (b) Individuals entitled to vote otherwise than in person under Federal law."

Section 513 of Chapter 5 of 3 DCMR, "Changes in Registration: Address," shall be amended to read as follows:

- "513 VOTER REGISTRATION PROCESSING: UNIFORMED AND ABSENTEE OVERSEAS VOTER
- 513.1 The Board shall process postcard applications from persons eligible to vote absentee in federal election in the District pursuant to the Uniformed and Overseas Citizens Absentee Voting Act provided such postcards are faxed or mailed prior to the thirtieth (30th) day preceding an election.
- 513.2 The Board shall process mailed voter registration applications received postmarked by not later than the thirtieth (30th) day preceding any election
- 513.3 The Board shall process timely completed non-postmarked voter registration applications mailed and received not later than the twenty-third (23rd) day preceding any election

- 513.4 An application for voter registration, or a notice of change of name, address, or party, which is delivered by mail and postmarked by the United States Postal Service is considered received by the Board on the date of the postmark.
- 513.5 An application for voter registration, or a notice of change of name, address, or party, delivered without a postmark by common carrier will be considered received by the Board on the parcel's shipping date.
- 513.6 An application for voter registration, or a notice of change of name, address, or party, delivered without a postmark is considered to be received by the Board upon acknowledgement of receipt by an agency date-stamp.
- 513.7 The Board will take steps to reasonably investigate the timely completion of non-postmarked Voter Registration Applications, or notices of change of name, address, or party, by checking tracking numbers, or any other information available."

Section 514 of Chapter 5 of 3 DCMR, "Changes in Registration: Political Party," shall be amended to read as follows:

"514 VOTER REGISTRATION PROCESSING: AT THE POLLS

- 514.1 A qualified elector may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence by:
- (a) Completing a voter registration application;
 - (b) Taking an oath/affirmation; and
 - (c) Providing proof of residence.
- 514.2 A qualified elector registering on election day must swear or affirm that he or she:
- (a) Is a United States citizen;
 - (b) Has maintained a residence in the District for at least thirty (30) days preceding the election and does not claim voting residence or the right to vote in any state or territory;

- (c) Is at least seventeen (17) years of age and will be eighteen (18) on or before the next general election;
- (d) Is not incarcerated for a crime that is a felony in the District; and
- (e) Has not been adjudged legally incompetent to vote by a court of a competent jurisdiction.

514.3 A previously registered elector may not change his or her party affiliation on election day.

514.4 Valid proof of residence is either a copy of current and valid government photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.”

Section 515 of Chapter 5 of 3 DCMR, “Systematic Voter Roll Maintenance Program: Biennial Mail Canvass,” shall be amended to read as follows:

“515 NOTIFICATION OF ACCEPTANCE OF REGISTRATION

515.1 Within nineteen (19) calendar days after the receipt of a registration application form, the Board shall mail a non-forwardable voter registration notification to the applicant advising him or her of the acceptance or rejection of the registration application by its chief voter registration official.

515.2 If the application is rejected, the notification shall include the reason or reasons for the rejection and shall inform the voter of his or her right to appeal the rejection pursuant to D.C. Code § 1-1001.07(f) (2006 Repl.).

515.3 In the event that the notification advising the applicant of acceptance of his or her voter registration is returned to the Board as undeliverable, the Board shall mail the notice provided in D.C. Code § 1-1001.07 (j)(1)(B) (2006 Repl.).

515.4 The registration shall be effective on the date the Board determines that the applicant is a qualified elector and eligible to register to vote in the District of Columbia.”

Section 516 of Chapter 5 of 3 DCMR, “Voter Roll Maintenance Program,” shall be amended to read as follows:

“516 CHANGES IN REGISTRATION: NAME

516.1 A registered voter shall notify the Board, in writing, within thirty (30) days, of a name change due to marriage, divorce or by order of a court.

516.2 Prior to the thirtieth (30th) day preceding an election, a registered voter may give notice of change of name by:

- (a) Completing a change of name on a Voter Registration Application;
- (b) Filing a change of name by signed letter or postal card which includes the following information;
 - (i) Former and current name;
 - (ii) Address; and
 - (iii) Date of birth.
- (c) Filing a change of name through the DMV or a voter registration agency pursuant to D.C. Code § 1-1001.07(d) (2006 Repl.);
- (d) Completing any other form prescribed for this purpose by the Board.

516.3 On or after the thirtieth (30th) day preceding an election, a registered voter may change his or her name in-person at the Board’s office. Requests for change of name other than those made in-person during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

516.4 The effective date of any change of name, for voter registration purposes, shall be the date that the notice of change is received by the Board, unless the notice of change of name is held and processed after the election, as described in § 516.3.”

Section 517 of Chapter 5 of 3 DCMR, “Cancellation of Voter Registration: General Grounds and Procedures,” shall be amended to read as follows:

“517 CHANGES IN REGISTRATION: ADDRESS

- 517.1 A registered voter who moves from the address at which he or she is registered to vote shall notify the Board, in writing, of the current residence address.
- 517.2 Prior to the thirtieth (30th) day preceding an election, a registered voter may give notice of change of address by:
- (a) Completing a change of address on a Voter Registration Application;
 - (b) Filing a change of address by signed letter or postal card which includes the following information:
 - (i) The voter's name;
 - (ii) Former and current address; and
 - (iii) Date of birth.
 - (c) Filing a change of address through the DMV or a voter registration agency pursuant to D.C. Code § 1-1001.07(d) (2006 Repl.);
 - (d) Completing any other form prescribed for this purpose by the Board.
- 517.3 On or after the thirtieth (30th) day preceding an election, a registered voter may change his or her address in-person at the Board's office or on election day at the polling place serving the current residence pursuant to D.C. Code § 1-1001.07(i)(4)(A) (2006 Repl.). Requests for change of address other than those made in-person during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.
- 517.4 The effective date of the change of address shall be the date that the change is considered to be received by the Board, unless the notice of change of address is held and processed after the election, as described in § 517.3."

Section 518 of Chapter 5 of 3 DCMR, "Cancellation of Voter Registration: Challenge and Request for Additions to Registration Roll," shall be amended to read as follows:

"518 CHANGES IN REGISTRATION: POLITICAL PARTY

518.1 Prior to the thirtieth (30th) day preceding a primary election, a registered voter may give notice of change of party affiliation by:

- (a) Completing a change of party on a Voter Registration Application;
- (b) Filing a change of name by signed letter or postal card which includes the following information:
 - (i) The voter's name;
 - (ii) Former and new political party affiliation;
 - (iii) Address; and
 - (iv) Date of birth.
- (c) Filing a change of political party on a Voter Registration Application through the DMV or a voter registration agency pursuant to D.C. Code § 1-1001.07(d) (2006 Repl.); or
- (d) Completing any other form prescribed for this purpose by the Board.

518.2 The effective date of any declaration of party or change of party affiliation shall be the date that the notice is considered to be received by the Board; except that, no declaration of political party or change of party affiliation shall be effective if postmarked or considered received during the thirty (30) day period that immediately precedes any election. Requests for changes to a political party affiliation considered received during the thirty (30) days that immediately precede and include the date of the primary election shall be held and processed after the election."

Chapter 5, "Voter Registration," shall be amended to include the following new Section to read as follows:

**"519 SYSTEMATIC VOTER ROLL MAINTENANCE PROGRAM:
 BIENNIAL MAIL CANVASS**

519.1 In January of each odd-numbered year, the Board shall confirm the residence address of each registered voter who did not confirm his or her address through the voting process or file a change of address at the polls in the preceding general election by mailing a first class non-

forwardable canvass postcard to the residence address listed on the Board's records.

- 519.2 If the Postal Service returns the postcard and provides a new address for the registrant that is within the District of Columbia, the Board shall change the address on its records accordingly and then mail to both old and new addresses a forwardable notice advising the registrant that their address in the voter records has been changed to reflect the Postal Service information.
- 519.3 If the Postal Service returns the postcard as undeliverable and provides a new address for the registrant outside the District of Columbia, the Board shall mail a forwardable notice to both the old and new address, informing the registrant how to register to vote in their new jurisdiction or correct the address information obtained from the Postal Service.
- 519.4 If the Postal Service returns the postcard to the Board as undeliverable and indicates that no new address is available, the Board shall mail to the registrant at his or her last known address the forwardable notice specified in § 519.3.
- 519.5 The forwardable notices issued to registrants whose initial non-forwardable mailings were returned by the Postal Service shall include a pre-addressed and postage- paid return notification postcard to enable the registrant to confirm or correct any address information obtained from the Postal Service.
- 519.6 Upon mailing of the forwardable notice to any registrant whose initial mailing the Postal Service returned as undeliverable, either with a new address outside the District or an indication that no new address was available, the Board shall designate the registrant's voter registration status as inactive on the voter roll, effective on the date of the mailing of the notice.
- 519.7 Where a registered voter who has been designated inactive on the voter roll fails to respond to the forwardable notice and fails to vote during the period beginning on the date the notice was mailed and ending on the day after the second subsequent general election for federal office, the registrant's name shall be removed from the voter roll.
- 519.8 Where a registered voter who has been designated inactive on the voter roll provides the Board with a current residence address, or votes in any election, prior to the day following the second general election for federal office occurring thereafter, the inactive designation shall be removed from the registrant's record.

- 519.9 A registrant included in the group defined by § 519.1 who has requested a separate mailing address in their voter record shall be initially mailed a notification addressed to the mailing address, asking the registrant to confirm his or her residence address on the voter roll by not later than thirty (30) days of the date of the mailing of the notice.
- 519.10 Where a registrant who has been mailed the notification in § 515.9 fails to confirm or correct their residence address, in writing, within thirty (30) days of the mailing of the notice, the Board shall issue a non-forwardable canvass postcard to the residence address as provided in § 519.1 of this chapter.
- 519.11 In the event that the Biennial Mail Canvass is delayed, the Board shall conduct the canvass as soon as practicable thereafter.
- 519.12 Consistent with procedures of the Biennial Mail Canvass, the Board shall issue the forwardable notices defined in § 519.5 whenever official mail sent to a registrant in the normal course of business is returned to the Board by the Postal Service.
- 519.13 Consistent with procedures of the Biennial Mail Canvass, the Board shall update a registrant's address or designate a registrant's voter registration status as inactive based on the return to the Board by the Postal Service of official mail sent to a registrant in the normal course of business.
- 519.14 Where the Board learns, or has reason to believe, that a registrant does not reside at the address listed on the voter registration application, the Board may issue the notice defined in § 519.1 to confirm the registrant's address, and proceed accordingly."

Chapter 5, "Voter Registration," shall be amended to include the following new Section to read as follows:

"520 VOTER ROLL MAINTENANCE PROGRAM

- 520.1 The Board may utilize information obtained from the United States Postal Service, the National Change of Address System (NCOA), and the DMV, which identifies registrants who have moved from the addresses listed on the Board's records.
- 520.2 As part of its systematic voter roll maintenance program, the Board may develop additional procedures to identify and remove from the voter roll registrants who are deceased and no notification was received from the Bureau of Vital Statistics, who have moved from the District

and no notification was received from the registrant or the United States Postal Service, or who otherwise no longer meets the qualifications as a duly registered voter.

- 520.3 If the Board learns that a registered voter has changed his or her residence address and has failed to inform the Board, in writing, of his or her current residence address, the registrant shall be mailed a non-forwardable notice, to the address listed on the voter roll.
- 520.4 The Board may utilize information obtained from returned juror summons issued by mail by the District of Columbia Superior Court to identify registrants who no longer meet the qualifications as a duly registered voter.
- 520.5 In the event that a juror summons is returned to the District of Columbia Superior Court by the United States Postal Service as undeliverable, or which provides a new address within or outside the District of Columbia, the Board shall mail a non-forwardable notice to the address to the voter's registration, as provided in § 519 of this chapter.
- 520.6 The Board may use other information provided to the District of Columbia Superior Court by the registrant to identify registrants who no longer meet the qualifications as a registered voter.
- 520.7 The Board's Executive Director may enter into agreements with other Chief State Election Officials for the purpose of verifying information on its statewide voter registration list to ensure the accuracy of the District's voter registry."

Chapter 5, "Voter Registration," shall be amended to include the following new Section to read as follows:

- "521 CANCELLATION OF VOTER REGISTRATION: GENERAL GROUNDS AND PROCEDURES
- 521.1 The grounds for cancellation of registration by the Board shall be the following:
- (a) Death of the voter;
 - (b) Change in residence from the District of Columbia;
 - (c) Signed authorization from a voter, or written notification from the voter that he or she is not a qualified elector;

- (d) Incarceration following a felony conviction;
 - (e) Successful challenge to voter registration;
 - (f) Falsification of information on the voter's Mail Registration Application;
 - (g) Declaration of mental incompetence by a court of competent jurisdiction; and
 - (h) In the case of a registrant whose registration is deemed inactive, failure to provide the Board with a current residence address in the District, in writing, or failure to vote in any election in accordance with D.C. Code § 1-1001.07(i)(4)(B) by not later than the day after the date of the second general election for federal office that occurs after the date of the notice.
- 521.2 Where the Board cancels or proposes to cancel a voter's name from the registration roll, under § 521.1, notification to the person, as applicable to the cause of cancellation, shall be made by first class (forwardable) mail, except where authorization for removal has been provided by signature of the voter, or where the voter's registration is being removed from the list of registrations deemed inactive.
- 521.3 In the event that the Board learns, through the regular course of business, that a voter is otherwise unqualified to be a registered elector in the District of Columbia, the chief registration official shall notify the registrant of this fact.
- 521.4 The notice shall include the information on which the chief registration official bases the decision and shall state that the registrant must respond within fourteen (14) days from the date of the mailing of the notice or be cancelled from the voter roll.
- 521.5 The chief registration official shall make a determination with respect to the elector's eligibility within ten (10) days of receipt of a response from the registrant.
- 521.6 The determination shall be sent by first class mail to the registrant.
- 521.7 Within fourteen (14) days of mailing the notice, the registrant may appeal, in writing, the chief voter registration official's determination to the Board.

- 521.8 The Board shall conduct a hearing and issue a decision within thirty (30) days of receipt of written notice of the appeal.”

Chapter 5, “Voter Registration,” shall be amended to include the following new Section to read as follows:

“522 CANCELLATION OF VOTER REGISTRATION: CHALLENGE AND REQUEST FOR ADDITIONS TO REGISTRATION ROLL

- 522.1 Any duly registered voter, no later than ninety (90) days before any election, pursuant to D.C. Code § 1-1001.07(e)(5)(A) (2006 Repl.), may initiate the following changes to the registration roll:
- (a) "Challenge" the registration of any person whom the voter believes is fictitious, deceased, a disqualified person, or otherwise ineligible to vote (except with respect to a change of residence); and
 - (b) "Request" the addition of any person whose name has been erroneously omitted or cancelled from the registration roll.
- 522.2 Application for the correction of the voter roll or the challenge of the right to vote of any person named on the voter roll shall be in writing and shall include any evidence in support of the challenge that the registrant is not qualified to be a registered voter.
- 522.3 The Board shall send notice to any person whose registration has been challenged, at the address listed on the Board’s record, along with a copy of any evidence filed in support of the challenge.
- 522.4 The notice sent to a person whose registration has been challenged shall be sent to the address listed on the Board’s records and shall include a statement that the registrant must respond to the challenge not later than thirty (30) days from the date of the mailing of the notice or be cancelled from the voter roll.
- 522.5 The Board’s chief voter registration official shall make a determination with respect to the challenge, based on any evidence presented, within ten (10) days of receipt of the challenged registrant’s response.
- 522.6 After making a determination with respect to the challenge, the Board’s chief voter registration official shall notify, by first class mail, both the challenged registrant and the person who filed the challenge.

- 522.7 Within fourteen (14) days of the date that the chief voter registration official's notice is mailed, any aggrieved party may appeal the chief voter registration official's determination to the Board.
- 522.8 The Board shall conduct a hearing and issue a decision within thirty (30) days of receipt of the written appeal notice.
- 522.9 With respect to a request for the addition of a person to the voter roll, if the Board's records do not evidence that the individual named has been erroneously omitted or cancelled, the Board shall send notice of such, by first class (forwardable) mail, to the individual named in the request and the person who filed the request.
- 522.10 The notice shall advise the requestor that the person whose name was allegedly omitted or dropped from the registration roll, shall submit a Mail-In Registration Form so that the person may be added to the registration roll as a qualified registered elector."

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, Board of Elections and Ethics, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

**HISTORIC PRESERVATION REVIEW BOARD AND THE
DISTRICT OF COLUMBIA OFFICE OF PLANNING**

NOTICE OF PROPOSED RULEMAKING

The D.C. Office of Planning and the Historic Preservation Review Board, pursuant to the authority set forth in section 10 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979, (D.C. Law 2-144; D.C. Official Code § 6-1109), Mayor's Order 79-50, dated March 21, 1979, section 6 of Mayor's Order 83-119, dated May 6, 1983, section III(B)(8) of Reorganization Plan No. 1 of 1983, effective March 31, 1983, and section 402(b) of the Fiscal Year 2001 Budget Support Act of 2002, effective October 19, 2000 (D.C. Law 12-172; 47 DCR 6308), hereby gives notice of intent to adopt the following new Chapter 25 "Standards for Signs, Awnings, Canopies, and Marquees" to 10 DCMR C, Historic Preservation, not less than thirty (30) days after publication of this notice in the *D.C. Register*. The purpose of the new chapter is to establish standards for the design and placement of signs, awnings, canopies, and marquees on historic properties. An earlier version of this proposed rulemaking was published in the *D.C. Register* on November 23, 2007 at 54 DCR 11257. This proposed rulemaking includes revisions that reorganize the chapter for clarity and consistency, distinguish design principles from design criteria, consolidate rules for institutional buildings, add new provisions related to video signage and illumination, clarify some terminology, and refine some requirements.

Title 10 DCMR C, Historic Preservation, is amended as follows:

- A. A new Chapter 25, "Standards for Signs, Awnings, Canopies, and Marquees" is added to read as follows:**

CHAPTER 25 STANDARDS FOR SIGNS, AWNINGS, CANOPIES, AND MARQUEES

Secs.	
2500	General Provisions
2501	Permit Requirements
2502	Permit Application Procedures
2503	General Principles for Signage
2504	General Standards for Signage
2505	Appropriate Sign Types
2506	Prohibited Sign Types
2507	Design Characteristics of Appropriate Signs
2508	Signs for Historic Residential Properties
2509	Signs for Historic Institutional Properties
2510	Signs for Non-Contributing Buildings and Sites
2511	Master Plans for Signage
2512	Temporary Signs
2513	Vintage and Historic Signs
2514	Awnings: General Principles
2515	Awnings: Specific Criteria
2516	Canopies: General Principles
2517	Canopies: Specific Criteria
2518	Marquees: General Principles
2519	Marquees: Specific Criteria
2599	Definitions

2500 GENERAL PROVISIONS

- 2500.1 This chapter addresses historic preservation requirements for signage and related building features, including awnings, canopies, and marquees, which typically serve as locations for signage.
- 2500.2 Signs, awnings, canopies, and marquees on historic property shall comply with the requirements of this chapter and the applicable provisions of the D.C. Building Code.
- 2500.3 Signage and related building features subject to review under the Shipstead-Luce Act or the Old Georgetown Act shall be submitted to the Commission of Fine Arts for review before a permit is issued, and shall comply with applicable sections of the D.C. Building Code, including the specific limitations pertinent to those review areas.
- 2500.4 The Historic Preservation Review Board and Historic Preservation Office may also review signage and related building features subject to the jurisdiction of the Commission of Fine Arts.
- 2500.5 Signage and related building features in the Chinatown Overlay District are subject to review by the Chinatown Steering Committee pursuant to 10 DCMR, Chapter 24.
- 2500.6 Signage and related building features located in or projecting into public space are subject to review by the Public Space Committee of the District Department of Transportation pursuant to 24 DCMR, Chapters 1 and 2.
- 2500.7 As provided in 10A DCMR § 9900, terms specific to this chapter are defined in § 2599. Other terms used throughout Title 10A are defined in Chapter 99.

2501 PERMIT REQUIREMENTS

- 2501.1 Notwithstanding the limitations and exemptions stated in the D.C. Building Code, a permit is required for the erection, painting, repainting, placement, replacement, hanging, rehanging, alteration, repair, or change of a sign larger than one (1) square foot in size on the exterior of a building on historic property or located within the first eighteen (18) inches inside a glazed opening of a building on historic property.
- 2501.2 Signs on historic property that are not subject to regulation under the D.C. Building Code or required to meet the permit requirements stated in the D.C. Building Code shall be issued permits based on their compliance with the requirements of this chapter.
- 2501.3 Notwithstanding the other requirements of this chapter, signs bearing non-commercial statements of fact, belief, or personal or political opinion that are posted on privately owned historic property shall be issued permits if the proposed method of installation would not destroy or irreparably damage the historic property and would not prevent the maintenance of the property in good repair as provided in § 10b of the Act. Such signs shall remain subject to the requirements and prohibitions applicable to dangerous and obstructive signs in 12A DCMR § 3107.13 and 3107.14. .

- 2501.4 A permit is required for the erection, placement, replacement, hanging, rehang, alteration, refacing, repair, or change of an awning, canopy, or marquee on historic property.
- 2501.5 A permit is required for a permanent sign on historic property relating to the sale, rental, lease, or management of the premises.
- 2501.6 A permit is not required for a temporary real estate sign on historic property six (6) square feet in area or less, or any sign on historic property that is one (1) square foot in area or less.
- 2501.7 A permit application for a sign, awning, canopy, or marquee on historic property shall comply with the application requirements of the D.C. Building Code and §§ 306 through 313 of this title, and shall include the following:
- (a) A completed D.C. Application for Construction Permit on Private Property and D.C. Application for Public Space (if applicable), signed by the applicant or building owner;
 - (b) Good quality photographs of the building or site, showing the entire façade and close-ups of the area where work is proposed, adequate to document the building or site's existing appearance;
 - (c) A scaled or dimensioned drawing of the proposed sign, awning, canopy, or marquee accurately indicating dimensions, materials, colors, graphics, copy, type of illumination, and method of attachment;
 - (d) Scaled or dimensioned plans, photo illustrations, or elevation drawings as necessary to show the proposed work as it would appear on the building or site;
 - (e) A section drawing, if the application is for an awning, canopy, or marquee; and
 - (f) If requested, a sample of the finish material(s).

2502 PERMIT APPLICATION PROCEDURES

- 2502.1 An applicant shall submit permit application materials to the Permit Processing Division of the Department of Consumer and Regulatory Affairs (DCRA) for transmittal to the Mayor's Agent pursuant to the Act as further described in Chapter 3.
- 2502.2 Upon receipt of the permit application and the results of any required review by the Commission of Fine Arts, the HPO shall review the application under the authority delegated in § 321, and take action as appropriate.
- 2502.3 If the application does not meet the requirements of this chapter, and the HPO is not able to resolve the deficiencies directly with the applicant, the HPO shall prepare the case for review by the Board as provided in Chapter 3.

2503 GENERAL PRINCIPLES FOR SIGNAGE

- 2503.1 Signs are a prominent visual element of many historic properties, serving an important role in identifying or advertising businesses, institutions, building occupants, or other entities. The location and design of signage also influences the perception of historic buildings and districts. Well-designed and well-maintained signs add interest and variety to historic building facades and streetscapes and can enhance the image and attractiveness of a historic district. Oversized, poorly designed, or poorly maintained signs can result in visual clutter and detract from the overall appearance of historic property.
- 2503.2 Different historic buildings impose different constraints and may require varied signage solutions. Signage needs also vary by use. For instance, the requirements for a large department store, a small neighborhood retailer, a church, and a home occupation will differ, and signs for each should be tailored to the specific character of each building and entity.
- 2503.3 Different historic districts and neighborhoods have specific characteristics and qualities that may require varied signage solutions. For instance, Chinatown, Downtown, 18th Street in Adams Morgan, Georgetown, U Street, and many of the neighborhood commercial strips throughout the city have their own historical traditions and distinctive current characteristics that should be recognized and respected.
- 2503.4 Special considerations apply to residential and institutional signage. Signs are not typically a prominent visual element on historic residential buildings, and commercial signage is strictly limited by the D.C. Building Code within residential and special purpose zoning districts. Commercial signage is also unsuited to historic institutional buildings, which express their function primarily through architectural imagery and symbolism.
- 2503.5 Signs are an incidental element on buildings and in the landscape, and total signage on a property should maintain a deferential balance with historic architecture. Historic buildings were often designed to limit signage to specific areas defined by an architectural frame. Much less commonly, signage was designed as a prominent façade element on some mid-20th century commercial buildings, but those signs typically relied on superb graphics and design flair to convey a stylish image.
- 2503.6 Vintage and historic signs contribute to the character and significance of historic buildings and districts. Many were integrally designed with historic facades. Historic signage that has survived for many decades is often the only visual reminder of long-forgotten businesses and modes of commercial advertising.
- 2503.7 Sign types developed for suburban highway-oriented environments are not compatible with urban historic districts. Billboards, rooftop signs, pole-mounted gas station signs, and other overscaled advertising designed to be viewed at high speed or from a great distance are generally not appropriate on historic properties or in historic streetscapes.

- 2503.8 The visual impact of strong color, intense lighting, supergraphics, and other branding elements can be crucial in judging whether signage is appropriate for historic property. Standardized corporate branding, typically developed without regard to local character and context, is often not appropriate for historic buildings and districts and may need to be substantially modified to be compatible with a specific building or district.
- 2503.9 Signs are an opportunity for stylistic imagination and graphic excellence. High artistic quality is strongly encouraged.

2504 GENERAL STANDARDS FOR SIGNAGE

- 2504.1 Signage shall be appropriate to the building, site, or historic district it will affect. Signage shall relate to, take advantage of, and be compatible with the building's particular composition, scale, design features, and architectural character. It shall be designed with sensitivity to adjacent historic properties, the landscape of historic sites, and the streetscape of historic districts, especially when placed in public space.
- 2504.2 Signage shall be appropriate to the identified or advertised use. Its scale and design character shall be commensurate with the size and nature of the entity and its location.
- 2504.3 Signs on historic property shall be primarily oriented toward and promote the pedestrian environment.
- 2504.4 Redundant or repetitive signs which clutter, overwhelm, or visually detract from a building façade, storefront, or site are not permitted.
- 2504.5 Signs shall be lightweight in feeling and appearance. Signage or signage elements like raceways that are boxy, bulky, or out of scale with historic buildings and districts are not permitted.
- 2504.6 Signs that graphically or symbolically express a business or institution, or that express creativity, diversity, or individuality are encouraged.
- 2504.7 Branding, color branding, or overpowering visual effects that detract from or overwhelm the architecture or historic character of a building or district are not permitted.
- 2504.8 Signs should be well designed and fabricated of high quality materials. Professional design and fabrication are strongly encouraged.

2505 APPROPRIATE SIGN TYPES

- 2505.1 Signage shall be of a type appropriate to the affected historic building, site, or district. The specific characteristics of the historic building, site, or district shall determine what sign types are appropriate in each instance.
- 2505.2 The following sign types, when properly designed and installed, may be appropriate for a historic property, depending on its design, setting, and characteristics:

- (a) Banner signs;
- (b) Blade signs;
- (c) Channel letter signs;
- (d) Halo lit signs;
- (e) Hanging signs;
- (f) Painted signs;
- (g) Panel signs;
- (h) Pin-mounted signs;
- (i) Plaques, markers, and medallions that are commemorative, interpretive, or informational in nature;
- (j) Projecting signs;
- (k) Raceway signs;
- (l) Reverse channel signs;
- (m) Routed signs;
- (n) Signs on the valance of an awning or canopy;
- (o) Three-dimensional signs; and
- (p) Window signs.

2505.3 The following sign types are typically not appropriate for historic buildings and districts:

- (a) Internally-illuminated, plastic-faced box or cabinet signs;
- (b) Electronic signs, flashing signs, and other signs with moving text or images;
- (c) Moving or rotating signs;
- (d) Pole-mounted signs more than ten (10) feet in height; and
- (e) Prohibited signs, as defined in § 2506.

2506 PROHIBITED SIGN TYPES

2506.1 Billboards and special signs as defined in § 2599 are not permitted on historic property.

2506.2 Roof signs and revolving signs are not permitted on historic property, except for vintage, historic, or replica signs as provided in § 2513.

2506.3 Televisions and video monitors are not permitted as signage on historic property.

2507 DESIGN CHARACTERISTICS OF APPROPRIATE SIGNS

2507.1 In reviewing an application for signage, the HPO and Board shall evaluate the architecture and design of the building and site, and determine whether the proposed sign is compatible with respect to type, placement, size, material, copy, illumination, and installation. The HPO shall assist applicants in evaluating historic properties for appropriate signage.

2507.2 Sign placement shall be consistent with the following criteria and considerations:

- (a) A sign may be placed only on a portion of the building occupied by the person,

business, or entity to which it relates.

- (b) A sign band, fascia, or other storefront or building area designed to accommodate signage is the preferred location for sign placement.
- (c) In the absence of a sign band or fascia, a flat continuous wall surface, unbroken by decorative detailing and windows, is an appropriate location for signage.
- (d) A storefront or show window may be an appropriate location for a sign provided it does not visually overwhelm the storefront or obscure its transparency.
- (e) A sign shall not conceal or cover over a character-defining architectural feature, such as a window or door surround, cornice, pilaster, or other decorative or ornamental feature.
- (f) A sign shall not conceal or cover over a window or transom. A window sign within a transom or a channel letter sign on top of a show window may be appropriate provided it does not substantially cover the transom.
- (g) A sign shall not conceal or cover over a significant site or landscape feature. Sign placement shall avoid known or likely archaeological features.
- (h) A sign shall not project more than forty-two (42) inches beyond the building line or building restriction line. A projecting, hanging, blade, or banner sign shall maintain a minimum clearance of eight (8) feet above grade.

2507.3 Sign size shall be consistent with the following criteria and considerations:

- (a) A sign shall be sized appropriately for its location on a building or site. Signage in a historic district should be generally consistent with the prevailing size of comparable signage in the district.
- (b) The maximum size and area limitations established by the D.C. Building Code apply to signs on historic property. Further limitations on size and area may be necessary to achieve compatibility with a historic property or district.
- (c) The appropriate size of a sign on historic property shall be determined by and tailored to the specific characteristics of the building or site, the location of the sign on the building or site, and if applicable, the character of the surrounding historic district.
- (d) A sign installed on a sign band, fascia, or show window shall fit within the area specifically designed for its installation.
- (e) The aggregate area of all window signs within a storefront or show window shall not exceed twenty percent (20%) of the surface area of that element.

2507.4 Sign material shall be consistent with the following criteria and considerations:

- (a) Signage shall be constructed of durable, exterior-grade materials that will retain a high quality appearance.
- (b) Painted wood or metal, and other sign materials and finishes that are consistent in character with materials and finishes on the affected building, district, or site are encouraged.
- (c) Shiny plastic and other sign materials and finishes that are not found on or are out of character with the affected building, district, or site are prohibited unless unusual circumstances make them clearly acceptable at the specific building or location.

2507.5 Sign copy shall be consistent with the following criteria and considerations:

- (a) Sign copy shall not detract from the visual character of the historic building or district. Generally, copy should be kept simple and the number of words or symbols should be limited to keep the sign easily legible, graphically clear, and free of clutter.
- (b) Sign copy should be legible but not out of scale for the historic building or district. Lettering shall be no more than eighteen (18) inches in height unless a variation is dictated by the specific characteristics of the building and the placement of the sign.
- (c) A sign listing services, goods, websites, phone numbers, or other detailed information shall be no larger than three (3) square feet in size.
- (d) Signage using Chinese characters and design elements is encouraged in the Chinatown Overlay District.

2507.6 Sign illumination shall be consistent with the following criteria and considerations:

- (a) Sign illumination shall not detract from a historic building or district. At a minimum, illumination of a sign on historic property shall comply with the applicable provisions of the D.C. Building Code.
- (b) Low-level illumination for signage is encouraged as a general principle. Intense or overpowering illumination can render an otherwise compatible sign inappropriate for historic property.
- (c) Sign illumination shall be appropriate for the location, setting and character of the specific building and site. Certain types of facilities, such as theaters and public buildings, may warrant greater levels of illumination.
- (d) The large internally illuminated surface areas of box signs are generally not appropriate for signs on historic property. Internally illuminated channel letter signs are more appropriate and are encouraged as an alternative.

- (e) Signs with a diffused source of illumination, such as halo-lit channel letter signs, are encouraged.
- (f) Any exterior source of illumination shall direct the light onto the sign, and shall be appropriately shielded to prevent light and glare from shining in the eyes of pedestrians.
- (g) Spot lights, hanging lamps, and decorative fixtures may be acceptable methods of external illumination, if the light source is appropriately shielded and of low intensity.
- (h) Sodium vapor, mercury vapor, or other metal halide light sources are generally too bright for illuminating signs on historic property and are not permitted.
- (i) Neon signs may be permitted if appropriate for the building or district. The use of neon or continuous light-emitting diode (LED) strips as decorative trim or as a building outlining element is not permitted except in the Chinatown area of the Downtown Historic District.
- (j) Sign illumination shall be by steady light only. Pulsing, blinking, or flashing lights are not permitted.

2507.7 Sign installation shall be consistent with the following criteria and considerations:

- (a) Signage shall be installed in a manner that minimizes permanent damage to a building. On masonry buildings, signage shall be attached through mortar joints, rather than through masonry units, whenever possible.
- (b) Signage shall be installed in a neat and workmanlike manner.
- (c) Electrical conduit, transformers, and other electrical equipment for lighting of exterior signs shall be concealed. Raceways shall be as compact as practicable and painted or finished to blend with the wall color behind.
- (d) Ground-mounted signs shall be installed to avoid damage to known or likely archaeological features.

2508 SIGNS FOR HISTORIC RESIDENTIAL PROPERTIES

- 2508.1 Signs are not typically a prominent visual element on historic residential buildings. In order to preserve the character and setting of historic residential buildings, signage on these buildings and in historic residential areas shall not be visually intrusive, overwhelming, or incompatible with the significant historic characteristics of the particular building, site, and context.
- 2508.2 Commercial advertising on historic property in residential and special purpose zoning districts shall comply at a minimum with the pertinent limitations in the D.C. Building

Code. The Board may impose further limitations in size or other characteristics if necessary to achieve compatibility with a historic landmark or district.

- 2508.3 Signage for a historic apartment building or an apartment building in a portion of a historic district zoned for residential use shall be limited to the name and address of the building.
- 2508.4 The preferred location for apartment building signage is at the building entrance, either on a canopy, marquee, or adjacent flat wall surface. A small ground-mounted building identification sign may be permitted for a historic apartment building, an apartment building within a historic district, or historic property within a special purpose zoning district.
- 2508.5 A permanent sign on historic property relating to the sale, rental, lease, or management of the premises is limited to two (2) square feet in size.
- 2508.6 Illuminated signage is discouraged in portions of a historic district zoned for residential use. Illumination may be permitted if it is determined acceptable for the specific building and setting. Any permitted illumination shall consist of soft, steady white light only.

2509 SIGNS FOR HISTORIC INSTITUTIONAL PROPERTIES

- 2509.1 Historic civic, institutional, religious, and educational properties generally have a very different character from historic commercial properties. Government offices, courts, churches, synagogues, schools, colleges, libraries, and other institutional or quasi-institutional structures like banks and corporate offices were typically designed to express their function primarily through the imagery and symbolism of their architecture. Signage on a historic institutional property shall be consistent with and respectful of the image and architecture of the property.
- 2509.2 The preferred solution for signage on historic institutional properties is to retain any existing historic signs or to add signage of the same or a similar type if needed.
- 2509.3 The preferred design for bulletin sign boards for historic institutional properties is the traditional style consisting of permanent identification and non-illuminated or front-lit changeable letters set behind glass against a solid background.
- 2509.4 Ground-mounted identification and bulletin signs may also be permitted for historic institutional properties.
- 2509.5 Signs for historic institutional properties shall be subject to the following provisions:
 - (a) Traditional institutional building signage shall be placed at an architecturally appropriate location like a frieze or wall surface next to or above an entrance. The determination of an appropriate location is dependent on the architecture of the specific historic building.

- (b) Ground-mounted institutional signs shall be located where they do not obscure public views of the building, its entrance, or other significant architectural or site features. Ground-mounted signs shall not be raised on masonry piers.
 - (c) Institutional signage shall be sized appropriately to its location on the historic building or site. A bulletin sign should not exceed twenty (20) square feet in area, calculated to include any architectural supports such as piers, bases, and frames.
 - (d) Institutional signs shall be constructed of materials appropriate for the building, site, or district. Signs of metal, wood, stone and other materials compatible with the building or district are encouraged. Signs of synthetic materials, such as shiny plastic, that are not compatible with the building or district are not permitted.
 - (e) Institutional signs shall be illuminated in a manner consistent with and appropriate for their setting. Internally illuminated signs are prohibited unless unusual circumstances make them clearly compatible with the specific building or location.
- 2509.6 Signs on historic institutional properties that are within or adjacent to historic districts shall be designed in a manner that minimizes the impact of institutional signage, such as the level of illumination, on adjacent historic properties.
- 2509.7 Signs for properties within a historic complex or campus should be coordinated to convey that the properties are or were historically related. Owners of these campuses and complexes are encouraged to develop a master plan for signage, pursuant to § 2511.

2510 SIGNS FOR NON-CONTRIBUTING BUILDINGS AND SITES

- 2510.1 Signage on non-contributing buildings and sites can materially affect the streetscape of historic districts. These signs should be appropriate for the building or site where they are located and shall not detract from the character of historic districts, landmarks, or sites.
- 2510.2 Signage on a non-contributing building shall be generally consistent with the character of the historic district, landmark, or site.
- 2510.3 New pole-mounted signs on gas stations or other facilities are not permitted to exceed ten (10) feet in height. Removal of existing pole-mounted signs and replacement with ground-mounted signs or other appropriate signage is encouraged.

2511 MASTER PLANS FOR SIGNAGE

- 2511.1 The development of a coordinated master plan for signs is encouraged where a building, complex, or institution houses multiple tenants or activities requiring several signs, or where signs will be installed on multiple properties that were historically or architecturally related.

2511.2 A master plan for signage shall be submitted to the Board for review according to the provisions for concept design review outlined in Chapter 3.

2511.3 If the Board approves a sign master sign to be in effect for a specific period, the HPO shall adhere to the provisions of the plan in delegated approvals for the duration of the plan.

2512 TEMPORARY SIGNS

2512.1 Temporary signage serves a legitimate practical purpose and has little or no lasting impact on the character of historic property. HPO shall apply the criteria in this section when reviewing temporary signs under the authority delegated in § 320 of this title.

2512.2 HPO shall routinely approve temporary signage to be installed for less than ninety (90) days or that is less than twenty (20) square feet in size, provided it is installed in a manner that does not cause permanent damage to historic property.

2512.3 HPO shall review a temporary sign to be installed for more than ninety (90) days or that is more than twenty (20) square feet in size according to the standards and criteria for permanent signs. HPO may grant greater flexibility in terms of size, placement, type, shape, material, and copy, provided that the sign is installed in a manner that does not cause permanent damage to historic property.

2512.4 A temporary sign may be denied if it is plainly and unnecessarily incompatible with the architecture and characteristics of the building, site, or district, or if its installation is likely to cause permanent damage to historic property.

2512.5 The permit application for a temporary sign shall indicate the period of time during which the sign is to be displayed. The permit for a temporary sign is not valid beyond its stated duration.

2513 VINTAGE AND HISTORIC SIGNS

2513.1 Vintage and historic signs express distinctive characteristics or aesthetics of an earlier period and provide character to historic property. The Board and HPO shall evaluate vintage and historic signage for its significance and for preservation when it may be affected by proposed construction work.

2513.2 A vintage sign should be considered for preservation or reuse where feasible.

2513.3 A historic sign that is integral to the design of historic property, such as a sign that is carved or etched into masonry or included as part of the design of a parapet or cornice, shall be retained.

2513.4 A historic sign that is not integral to the design of historic property, such as the ghost of a painted sign, shall be retained where feasible.

- 2513.5 Replication or installation of a close copy of a documented historic sign is considered an appropriate preservation treatment unless it clearly conflicts with the D.C. Building Code or the Board's design standards. Documentation of the historical appropriateness of a proposed sign may consist of early photographs, original drawings, or similar sources.

2514 AWNINGS: GENERAL PRINCIPLES

- 2514.1 Awnings provide weather protection and may also identify or decorate buildings. Awnings shade windows and storefronts and can shelter pedestrians, but as a secondary function, they also provide an area for identifying the name or trade of an occupant.
- 2514.2 Awnings and their associated signage can significantly affect the appearance and architectural character of a historic building or district. Improper awning installation can also cause permanent damage to the materials and ornamentation of historic facades.
- 2514.3 Awnings are not signs and should not be used as substitutes for effective signage or solely as branding elements.
- 2514.4 The appropriateness of a specific awning depends in part upon the historic district, building type, or business type involved. Awning design should reflect the specific character of the affected landmark, building or district.
- 2514.5 Historically, the retractable shed awning was the type used almost exclusively on Washington buildings. Barrel-vaulted awnings were less commonly used for arched openings, and more intricate and fancier quarter-round awnings were infrequently used.
- 2514.6 Replication of a documented historic awning or pattern of awnings is considered an appropriate preservation treatment unless it clearly conflicts with the D.C. Building Code or the Board's design standards. Documentation of the historical appropriateness of a proposed awning or awnings may consist of early photographs, original drawings, or similar sources.

2515 AWNINGS: SPECIFIC CRITERIA

- 2515.1 Awning design, placement, and type shall respect, take advantage of, and be compatible with the particular composition, design features, and architectural style of the historic property where it is installed.
- 2515.2 An awning shall be compatible in shape, size, scale, material, illumination, and method of installation with the character of the historic property to which it is attached.
- 2515.3 Any signage characteristics of an awning shall be compatible with the character of the affected historic property and district.
- 2515.4 Awning location and configuration shall be consistent with the following criteria:

- (a) An awning shall be placed only on a portion of the building occupied by the person, business, or entity to which it relates.
- (b) An awning shall relate to a single architectural feature, whether a storefront, window opening, or door opening. An awning shall not be designed as a continuous element that spans multiple storefronts, window openings, or door openings.
- (c) An awning shall relate to and fit within the masonry opening or frame of the storefront, window, or door where it is located.
- (d) An awning shall not cover or obscure or cover over an ornamental or character-defining feature of a historic property.
- (e) Excessive use of awnings is inappropriate and can make commercial advertising detract from a historic property. Repetitive awnings used as signage or branding on upper floor windows are not appropriate.

2515.5 Awning type and shape shall be consistent with the following criteria:

- (a) A shed-style awning is generally the most appropriate form for a flat-topped opening. A barrel-vaulted awning is usually appropriate only for an arched opening. A quarter-round awning is typically appropriate only for an architecturally elaborate façade or storefront.
- (b) An awning shall not have a compound shape, such as a shed awning with a barrel-vaulted midsection.
- (c) An awning should not be bulky or boxy in appearance. An open-sided configuration is encouraged in order to make the awning appear lightweight and to increase visibility of the window.
- (d) Operable and retractable awnings are preferred because this reinforces their accessory nature and allows greater visibility of the building when they are raised.
- (e) An awning should be consistent with the prevailing proportions of other awnings in the streetscape. Its angle of slope should be moderate, and neither so steep that the top of the awning looks like a billboard, nor so shallow that the awning looks like a shelf or marquee.
- (f) The underside of an awning shall not be enclosed or boxed in with fabric or other material, unless justified by the specific circumstances of the building or awning installation.

2515.6 Awning dimensions shall be consistent with the following criteria:

- (a) An awning shall be appropriate in size and scale for the historic building to which it is attached.

- (b) An awning shall be sized to fit the opening where it is installed.
- (c) The projection of an awning shall be appropriate for the building to which it is attached. No awning shall project more than sixty (60) inches beyond the building line or building restriction line.
- (d) An awning shall maintain a minimum clearance of eight (8) feet above the ground.

2515.7 Awning materials shall be consistent with the following criteria:

- (a) An awning shall be covered only with canvas, woven acrylic or similar fabric materials. Metal and shiny or glossy materials like vinyl and plastic are not permitted.
- (b) A single solid color material is preferred for awnings. Striped or patterned awnings are discouraged and are not permitted if they would visually detract from the character of the historic building or district.

2515.8 Awning signage characteristics shall be consistent with the following criteria:

- (a) The valance of an awning is an appropriate location for signage. Signage shall generally be limited to lettering no taller than twelve (12) inches.
- (b) A discreet logo may be allowed on the slope of an awning if also permitted by the building code official.
- (c) An awning shall not be used as an oversized sign. An awning or pattern of awnings shall not be used to create supergraphics or branding that is overpowering or detracts from the historic character of the building or district.

2515.9 Awning illumination shall be consistent with the following criteria:

- (a) An awning shall not be lighted except as part of general storefront illumination. Translucent backlit awnings and under-mounted lighting of an awning are not permitted.
- (b) A sign on the valance of an awning shall not be illuminated.
- (c) Unobtrusive storefront lighting fixtures may be attached to the underside of an awning.

2515.10 Awning installation shall be consistent with the following criteria:

- (a) An awning shall be attached to a building in a manner that causes the minimum permanent damage. Typically, an awning should be attached to a window frame or storefront surround.

- (b) Attachment of awning frames through masonry is prohibited except in unusual circumstances where it is unavoidable due to specific characteristics of the building.

2516 CANOPIES: GENERAL PRINCIPLES

- 2516.1 Canopies historically provided shelter and weather protection for the entrance to a building. Canopies also shaded show windows and sidewalks in a manner no longer permitted by construction codes.
- 2516.2 A canopy is appropriate where weather protection is a primary consideration. A canopy should not be used primarily as an enlarged sign background or to extend commercial signage across a sidewalk.
- 2516.3 A canopy at the entrance to a large historic apartment or hotel building can enhance the sense of arrival and welcome created by the architectural treatment of the building entrance. A canopy in a historic commercial streetscape can detract from its character by obstructing views of building facades and adding excess clutter and signage.
- 2516.4 The appropriateness of a specific canopy depends in part upon the specific characteristics of the historic district, building type, or business type involved.

2517 CANOPIES: SPECIFIC CRITERIA

- 2517.1 Canopy design, placement, and type shall respect, take advantage of, and be compatible with the particular composition, design features, and architectural style of the historic property where it is installed.
- 2517.2 A canopy shall be compatible in shape, size, scale, material, illumination, and method of installation with the character of the historic property to which it is attached.
- 2517.3 A canopy shall be consistent with the following criteria:
 - (a) An entrance, storefront, or sidewalk café may be an appropriate location for a canopy.
 - (b) A canopy shall relate to and fit within the masonry opening or frame of a door or storefront. A barrel-vaulted canopy is only appropriate for an arched opening.
 - (c) A canopy shall not conceal or cover over a door surround or other significant architectural feature of a building.
 - (d) A shed style canopy should have open sides to increase visibility of the building or its entrance.
 - (e) The projection of a canopy shall be proportional to the building and appropriate to the streetscape where it is located.

- (f) A canopy shall maintain a minimum clearance of eight (8) feet above grade.
- (g) A canopy shall be finished with canvas, woven acrylic or a similar fabric material. Vinyl, plastic, and other shiny or glossy finish materials are not permitted.
- (h) Translucent backlit canopies are not permitted. Under-mounted downlighting may be permitted on opaque canopies.
- (i) A canopy shall be attached to a building in a manner that does not cause permanent damage. Typically, a canopy should be attached to a door frame or storefront fascia. Attachment of canopy framing through masonry is prohibited unless justified by the specific characteristics of the building.

2517.4 Signage on a canopy shall be consistent with the following criteria and considerations:

- (a) An entrance canopy is an appropriate location for building or occupant identification and the property's address.
- (b) Commercial signage is not permitted on the side of a canopy facing the direction of pedestrian travel along a sidewalk.
- (c) Signage on a canopy shall not be illuminated.

2517.5 Entrance canopies that extend to the public sidewalk or curb are generally not appropriate unless associated with a large-scale commercial establishment, hotel or apartment building. Entrance canopies in other circumstances may be allowed if justified as appropriate given the specific characteristics of the building.

2517.6 Replication of an original or historic canopy is considered an appropriate preservation treatment. Documentation of the historical appropriateness of a proposed canopy may consist of early photographs, original drawings, or similar sources.

2518 MARQUEES: GENERAL PRINCIPLES

2518.1 Marquees are permanent architectural elements traditionally associated with and only appropriate only for larger buildings of a public or semi-public nature, such as apartment houses, hotels, department stores, theaters, and office buildings. Marquees provide shelter, weather protection, and architectural embellishment, and can also include identifying signage at the building entrance.

2518.2 Unlike an awning or canopy, a marquee is a more permanent architectural element applied to a building. Adding a marquee to a historic building is usually not appropriate if one never existed, but a marquee is often appropriate for large-scale new construction in a historic district. A marquee may be appropriate for a larger building but is generally not appropriate for a smaller building or single-family house.

2519 MARQUEES: SPECIFIC CRITERIA

- 2519.1 A marquee shall be compatible with the character of the historic property or district where it is installed. A marquee attached to a historic building shall respect, take advantage of, and be compatible with the building's particular composition, design features, and architectural style.
- 2519.2 A marquee shall be compatible in size, scale, shape, type, material, and illumination with the character of the historic property to which it is attached.
- 2519.3 A marquee shall be placed at a height appropriate to its function as shelter. Typically, the suitable location for a marquee is directly above entrance doors and below the level of transoms. A marquee shall not be placed high above a building entrance to create a grandiose effect.
- 2519.4 A marquee is an appropriate location to identify a building, occupant, or address. Signage on a marquee shall be consistent with the following criteria:
- (a) Signage on a marquee shall be commensurate with the nature of the establishment it identifies.
 - (b) Signage for an apartment building or public institution should be restrained and usually not illuminated.
 - (c) Signage for a commercial building or theater may be more prominent and brightly illuminated.
- 2519.5 A marquee shall not conceal or cover over important decorative elements of a door surround or other significant character-defining features of a historic building.
- 2519.6 A marquee shall be attached in a manner that limits permanent alteration to the affected building as much as possible. A marquee shall be designed to fit around, rather than penetrate, decorative door surrounds or other character-defining elements.
- 2519.7 A marquee that is original, architecturally distinctive, or historically significant shall be retained.
- 2519.8 Replication of a missing original or historic marquee is encouraged. Documentation of a historic marquee may consist of early photographs, original drawings, or similar sources.
- 2519.9 A marquee shall be professionally designed and fabricated of durable, high quality materials.

2599 DEFINITIONS

- 2599.1 As used in this chapter, the following terms shall have the meanings ascribed below:

Advertisement: The use of any image, text, logo, symbol, color, or other form of public

announcement to encourage a commercial transaction or to market a business, entity, or commodity.

Awning: An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

Banner: A hanging sign, typically of fabric, which may be hung perpendicular or parallel to the face of a building.

Billboard: A permanent signboard or structure on which lettering or images can be attached or posted, as further defined in the D.C. Building Code.

Blade sign: A vertically-oriented, double-faced projecting sign that hangs perpendicular to the façade of a building, allowing copy on both sign faces.

Box sign: A plastic- or acrylic-faced sign mounted on a box or cabinet that houses a source of internal illumination; also called a “cabinet sign.”

Branding: The use of signs, logos, symbols, figures, shapes, colors, or other elements individually or collectively, to market a business or identify it as part of a larger corporate entity.

Bulletin sign: A free-standing or wall-mounted sign box, usually constructed of metal with a hinged glass face, housing a letterboard for changeable copy.

Cabinet sign: A plastic- or acrylic-faced metal sign mounted on a box or cabinet housing a source of internal illumination; also called a “box sign.”

Canopy: An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by at least one stanchion. A canopy is comprised of a rigid structure over which a covering is attached.

Channel letter sign: A sign consisting of individually formed letters, which may include illumination within each letter or many be mounted on a continuous raceway.

Color branding: The use of a color or colors associated with a business or entity as a means to convey its identity.

Copy: The use, amount, and size of lettering, numbers, or imagery on a sign.

Fascia: A plain, flat horizontal band, typically part of a storefront cornice, intended for sign placement; also called a “frieze” or “sign band.”

Flag sign: A fabric panel with signage displayed or configured as a flag.

Frieze: The portion of the façade that is typically just above or at the top of a storefront which provides an area for signage; also called a “fascia” or “sign band.”

Ground-mounted sign: A free-standing sign that is located within the public space, yard, or landscape of a property; also called a “monument sign.”

Halo lit sign: A sign of an opaque material illuminated from behind to form a “halo” of light around the silhouetted letters or symbols.

Hanging sign: A double-faced sign that projects perpendicular from the face of a building, allowing copy on both sign faces, and which typically hangs from an overhead bracket.

Historic sign: A sign that is original to a building, historically significant, or at least fifty (50) years old and which has features, qualities, or associations that may warrant preservation.

Marquee: A permanent roofed structure attached to and supported by the building to which it is attached and that projects into the public right-of-way.

Monument sign: A free-standing, ground-mounted sign.

Moving sign: A sign that displays three-dimensional, moving, rotating, flashing, animated, or changing images or text, and is propelled by wind, solar or electric power.

Painted sign: A sign painted directly onto the face or other element of a building.

Panel sign: A one-sided sign mounted on a flat wall surface.

Pin-mounted sign: A sign composed of individual letters or other components attached to a panel or building by pins or screws.

Pole-mounted sign: A free-standing sign mounted on a single tall pole or pylon, typically located within the site or landscape of a property, and frequently used to advertise auto-related businesses.

Projecting sign: A double-faced sign that projects perpendicular from the face of a building, allowing copy on both sign faces.

Raceway sign: A sign consisting of individual channel letters mounted on a horizontal or vertical structural raceway element that houses electrical conduit for illumination.

Real estate sign: A sign announcing the sale, rent, or lease of land or premises.

Reverse channel sign: A sign where individual letters or images are cut in to an opaque panel allowing the letters or images to be illuminated when back lit.

Roof sign: A sign that is mounted on the roof of a building, as defined further in the D.C. Building Code.

Routed sign: A sign, typically of wood, into which letters or images are carved or routed.

Sign or Signage: A physical medium or display, including its structure and component parts,

used to advertise, identify a person, object, or entity, or to provide information, consisting of words, letters, figures, designs, symbols, numbers, illumination, or projected images.

Sign band: A plain, flat horizontal band at the top of a storefront intended for sign placement; also called a “fascia” or “frieze.”

Special sign: A sign that is erected, hung, placed, posted, painted, displayed or maintained on an outside, exterior wall or surface of a building pursuant to a Special Sign permit issued pursuant to the D.C. Building Code, and as further defined in the D.C. Building Code.

Symbol: A recognizable image, icon, logo or other graphic representation for a business, service, institution or other object or entity.

Temporary sign: A sign erected for a limited and defined period of time.

Three-dimensional sign: A sign, symbol, icon, object, or logo that is sculptural or three-dimensional in form.

Vintage sign: A sign less than fifty (50) years old which may have distinctive characteristics or aesthetic qualities that lend character to a building or district.

Window sign: A sign that is hung, etched, painted, or mounted inside a glass storefront, door, window, or transom.

B. Section 9901 of Chapter 99 is amended by adding the following two new definitions:

Building code or D.C. Building Code: Title 12A of the District of Columbia Municipal Regulations, also known as the Building Code Supplement.

Building code official or building official: The person authorized and directed to enforce the provisions of the building code and the construction code.

Construction code or D.C. Construction Codes: Titles 12 and 13 of the District of Columbia Municipal Regulations.

All persons wishing to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments may be sent to Tersh Boasberg, Chairman, HPRB, c/o Steve Callcott, 2001 14th Street, NW, 4th floor, Washington, D.C. 20009, or to steve.callcott@dc.gov. Copies of these proposed rules may be obtained at the same address and on the Office of Planning website at www.planning.dc.gov.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 District of Columbia Municipal Regulations (DCMR) Chapter 40, hereby gives notice of its intention to amend Title 21 DCMR Water and Sanitation Regulations, Chapter 41, Retail Water and Sewer Rates, Section 4103, Fire Protection Service Fee.

The Board expressed its intention to amend the DCMR at its regularly scheduled Board meeting held on February 4, 2010 pursuant to Board Resolution # 10-26. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to, Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, or email Lmanley@dcwasa.com. Copies of these proposed rules may be obtained from the Authority at the same address.

In addition, the Board will also receive comments on these proposed rates at a public hearing at a later date. The public hearing notice will be published in a subsequent edition of the District of Columbia Register.

I. Timing of Final Action on Proposed Rulemaking

No final action will be taken on the Rulemaking Proposal described in this notice until after each of the following events has occurred:

1. A public hearing is held to receive comments on the proposed rulemaking.
2. The public comment period on this rulemaking expires; and
3. The Board of Directors takes final action after public comments are considered.

II. Rulemaking Proposal

The following rulemaking action is proposed:

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4103 FIRE PROTECTION SERVICE FEE, Subsection 4103.1 is amended to read as follows:

4103 FIRE PROTECTION SERVICE FEE

4103.1 The charge to the District of Columbia for the provision of water for fire protection service, including, but not limited to maintaining and upgrading public fire hydrants in the District of Columbia, and the cost of fire hydrant inspections performed by the D.C. Fire and Emergency Medical Services shall be Six Hundred and Eighty Dollars and Forty Eight Cents (\$680.48) per fire hydrant, per year, effective April 12, 2010. The fee may be examined every three years to determine if the fee is sufficient to recoup the actual costs for providing this service. In the event the costs are not being recouped, the District shall pay the difference and the fee will be appropriately adjusted pursuant to the rulemaking process.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 09-16

(Text Amendment – 11 DCMR)

**(Text Amendment to Permit Car Sharing Parking Spaces as a Matter of Right Use in the
R, CR, and SP Zone Districts)**

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03), hereby gives notice of its intent to amend §§ 199, 201, 202, 301, 501, 601, and 2116 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments establish zoning definitions for “car-sharing vehicle” and “car-sharing space” and amend the text of the Zoning Regulations to permit car sharing parking spaces as a new matter of right use in the Residential (R), Mixed Use (CR), and Special Purpose (SP) Zone Districts, subject to certain limitations.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

1. Chapter 1, THE ZONING REGULATIONS, §199 Definitions, is amended by adding the following definitions:

Car-sharing space – a parking space that is designated for the parking of a car-sharing vehicle.

Car-sharing vehicle – any vehicle available to multiple users who are required to join a membership organization in order to reserve and use such a vehicle for which they are charged based on actual use as determined by time and / or mileage.

2. Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows:

- (A) By amending § 201, USES AS A MATTER OF RIGHT, § 201.1, by adding “Car-sharing spaces on an unimproved lot, with no more than two (2) spaces permitted” to the list of permitted uses, and by renumbering the list so that it remains in alphabetical order, so that the subsection will read as follows:

201.1 The following uses shall be permitted as a matter of right in R-1 Districts:

- (a) Car-sharing spaces on an unimproved lot, with no more than two (2) spaces permitted;
 - (b) Chancery existing on September 22, 1978; provided, that the following requirements shall be met:

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- (1) After February 23, 1990, the continued use of the chancery shall be limited to the government that lawfully occupied the chancery on that date;
 - (2) No additional or accessory structure may be constructed on the lot that is occupied by the chancery;
 - (3) There shall be no expansion of the exterior walls, height, bulk, gross floor area, or any portion of any existing building or structure that is used as a chancery;
 - (4) If an existing building or structure that is used as a chancery is destroyed by fire, collapse, explosion, or act of God, the building or structure may be reconstructed;
 - (5) The reconstruction that is authorized by subparagraph (4) of this paragraph shall not be subject to the requirements of chapter 20 of this title; and
 - (6) The reconstruction that is authorized by subparagraph (4) of this paragraph shall be limited to the chancery site as it existed on February 23, 1990;
- (c) Child development center located in a District of Columbia public school or a public recreation center operated by the D.C. Department of Parks and Recreation; provided, that written permission to use the school or the recreation center shall have been granted by the Superintendent of Schools or the Director of the Department of Parks and Recreation, respectively;
- (d) Church or other place of worship, but not including rescue mission or temporary revival tents;
- (e) Community-Based Residential Facility, as limited by the following:
- (1) Youth residential care home, community residence facility, or health care facility for not more than six (6) persons, not including resident supervisors or staff and their families; or for not more than eight (8) persons, including resident supervisors or staff and their families; provided, that the

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number of persons being cared for shall not exceed six (6);
and

- (2) Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families;
- (f) Community-based residential facility for occupancy by persons with handicaps; provided, that the determination of handicapped facility shall be made according to the reasonable accommodation criteria in 14 DCMR §111, "Procedures for Reasonable Accommodation under the Fair Housing Act." For purposes of this subsection, a "handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, or a record of having, or being regarded as having, such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance;
- (g) Embassy;
- (h) Farm or truck garden;
- (i) Fire Station;
- (j) Mass transit facility;
- (k) One-family detached dwelling;
- (l) Parsonage, vicarage, rectory, or Sunday school building;
- (m) Police Department Local Facility;
- (n) Private garage, as a principal use, designed to house no more than two (2) motor vehicles and not exceeding four hundred fifty square feet (450 ft.²) in area, subject to the special provisions of chapter 23 of this title;
- (o) Private garage on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the D.C. Office of Tax and Revenue, on or before November 1, 1957, subject to the special provisions of chapter 23 of this title;
- (p) Public Library;

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- (q) Public recreation and community center;
- (r) Public school, subject to the provisions of chapter 21 of this title; public schools may collocate with other permitted schools or uses provided all applicable requirements of this title are met. Public schools may share common on-site recreation space including gymnasiums, playgrounds, and fields, and these shared recreational spaces may count toward the minimum lot area provided that the school is adjacent to the shared recreation space; on-site office use must be ancillary and necessary to the operation of the particular school;
- (s) Temporary building for the construction industry that is incidental to erection of buildings or other structures permitted by this section;
- (t) Temporary use of premises by fairs, circuses, or carnivals, upon compliance with the provisions of chapter 13 of Title 19 of the DCMR (Amusements, Parks and Recreation);
- (u) Transportation right-of-way or underground conduit or pipeline;
- (v) Youth residential care home, community residence facility, or health care facility for seven (7) to eight (8) persons, not including resident supervisors or staff and their families; provided, that there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same square, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property; and
- (w) The following uses are permitted as a matter of right if located in a building owned by the District of Columbia that formerly served as the location of a public school:
 - (1) Administrative offices of District government agencies not part of the criminal justice system, provided:
 - (A) The use shall not extend outside the building unless accessory and incidental to the principal administrative use; and
 - (B) Any storage shall be fully enclosed;

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- (2) Clinic for humans, provided that the use shall not be a substance abuse treatment facility or a community-based residential facility;
 - (3) Community service use or uses, provided:
 - (A) The application for a certificate of occupancy include evidence demonstrating that the established mission of the use will serve the community, neighborhood, or District of Columbia population;
 - (B) There is no outdoor storage of materials; and
 - (C) The use shall not be a community- based residential facility, a part of the criminal justice system, or a substance abuse treatment facility;
 - (4) Child/Elderly development center; and
 - (5) Community college, up to 50,000 sq. ft. of building area, provided:
 - (A) There shall be no external activities after 9:00 PM; and
 - (B) There shall be no use of the college space after midnight.
- (B) By amending § 202, ACCESSORY USES (R-1), § 202.7, is amended to provide for the regulation of car sharing spaces so that the subsection will read as follows:

202.7 One additional parking space for the exclusive use of the occupants or their guests; or up to two (2) car-sharing spaces, neither of which may be a space devoted to required parking.
- 3. Chapter 3, R-2, R-3, R-4 AND R-5 RESIDENCE DISTRICT USE REGULATIONS, § 301 ACCESSORY USES AND BUILDINGS (R-2), § 301.1, is amended to provide for the regulation of car sharing spaces in these zone districts, so that the subsection will read as follows:

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301.1 The following accessory uses or accessory buildings incidental to the uses permitted for R-2 Districts in §§ 300 through 319 shall be permitted in R-2 Districts:

- (a) Any accessory use permitted in R-1 Districts under § 202 not regulated in this subsection;
- (b) Car-sharing spaces; provided that any car-sharing space beyond the first two (2) spaces shall be located within or under a principal structure and may not be a required parking space for any use on site; and
- (b) Other accessory uses, buildings, or structures customarily incidental to the uses permitted in R-2 Districts under this chapter.

4. Chapter 5, SPECIAL PURPOSE DISTRICTS, § 501, USES AS A MATTER OF RIGHT (SP), § 501.1, is amended by adding “Car-sharing spaces, none of which may be a required parking space for any use on site” to the list of permitted uses, and by renumbering the list so that it remains in alphabetical order, so that the subsection will read as follows:

501.1 The following uses shall be permitted as a matter of right in an SP District:

- (a) Any use permitted in any R-5 District under §§ 350.4 and 350.5, except a hotel;
- (b) Antenna, subject to the standards and procedure which apply pursuant chapter 27 of this title;
- (c) Art gallery;
- (d) Car-sharing spaces, none of which may be a required parking space for any use on site;
- (e) Child/Elderly development center; or adult day treatment facility;
- (f) Community center building;
- (g) Driver's License Road Test Facility;
- (h) Park, playground, swimming pool, or athletic field operated by a local community organization;
- (i) Police Department General Facility, except as provided in § 504;

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- (j) Private school, including kindergarten, elementary, secondary, trade, or any other school;
- (k) Public School, subject to the provisions of chapter 21 of this title;
- (l) Religious reading room; and
- (m) Ticket office.

5. Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, § 601, USES AS A MATTER OF RIGHT (CR), § 601.1, is amended by adding “Car-sharing spaces, none of which may be a required parking space for any use on site” to the list of permitted uses, and by renumbering the list so that it remains in alphabetical order, so that the subsection will read as follows:

601.1 The following uses shall be permitted as a matter of right in a CR District:

- (a) Antenna, subject to the standards and procedures which apply to the particular class of antenna pursuant to chapter 27 of this title;
- (b) Artist's studio;
- (c) Boat club or marina;
- (d) Car-sharing spaces, none of which may be a required parking space for any use on site;
- (e) Church or other place of worship;
- (f) Community center;
- (g) Driver's License Road Test Facility;
- (h) Electronic Equipment Facility (EEF) use under either or both of the following circumstances:
 - (1) The EEF use occupies no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building, provided that no EEF use is located on the ground floor; or
 - (2) The EEF use is located below ground floor;

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- (i) Embassy, chancery, or international organization;
- (j) Fire Department Administrative Facility;
- (k) Fire Department Support Facility;
- (l) Fire Station;
- (m) Hotel or inn;
- (n) Library (other than public library);
- (o) Museum;
- (p) Office;
- (q) One-Family dwelling, flat, or multiple dwelling;
- (r) Park or open space;
- (s) Private club, restaurant, prepared food shop fast food establishment, or food delivery service; provided, that a fast food establishment or food delivery service shall not include a drive-through;
- (t) Private or public theater;
- (u) Private school or trade school;
- (v) Police Department General Facility, except as provided in § 607;
- (w) Police Department Local Facility;
- (x) Public library;
- (y) Public recreation and community center;
- (z) Public School, subject to the provisions of chapter 21 of this title;
- (aa) Recreational building or use;
- (bb) Retail sales or services not specified in §§ 602, 606, and 608 through 618;
- (cc) Rooming or boarding house;

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(dd) Swimming pool; and

(ee) Notwithstanding § 602.1, temporary surface parking lot accessory to the Ballpark shall be permitted on Squares 603, 605, 657, 660, 661, 662, 662E, 664, 665, 700, 701, 882; and on Square 658, Lot 7; Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 769, Lot 19 and those portions of Lots 18 and 20 within the CR District; in accordance with § 2110. In the event that the cumulative parking limit established in § 2110.1 (a) is met, additional temporary surface parking spaces accessory to the Ballpark on Squares 603, 605, 657, 658, 660, 661, 662, 662E, 664, 665, 700, 701, 882; and on Square 767, Lots 44-47; Square 768, Lots 19-22; and Square 658, Lot 7; Square 769, Lot 19 and those portions of Lots 18 and 20 within the CR District, shall be permitted as a special exception if approved by the Board of Zoning Adjustment pursuant to § 2110.2.

6. Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2116 LOCATION OF PARKING SPACES, is amended as follows:

(A) By amending § 2116.1 by adding references to the new §§ 201.1(a), 501.1(d), and 601.1(d) added through these text amendments, so that the subsection will read as follows:

2116.1 Except as provided in §§ 201.1(a), 214, 501.1(d), 510, 601.1(d), 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, 926, 2116.5, 2116.10, and 2117.9(c), all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.

(B) By amending § 2116.2 to insert the phrase “including car-sharing spaces” so that the subsection will read as follows:

2116.2 Parking spaces, including car-sharing spaces, shall be located in one (1) of the following ways:

(a) Within a permitted garage or carport, subject to the special provisions of Chapter 23; or

(b) On an open area of the lot as follows:

(1) Within a rear yard;

(2) Within a side yard; or

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- (3) Except in an SP District, elsewhere on the lot if accessory to a commercial or industrial use.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.